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PATENT
DANI-0006USCON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Margaret KILIBWA) Group Art Unit: 1761
Serial No.: 08/796,305) Examiner: Thuy Tran Lien
Filed: February 7, 1997)
Title: POLYDEXTROSE AS)
ANTI-STALING AGENT)

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

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Sir:

FOURTH AFTER FINAL AMENDMENT AND RESPONSE TO THE OFFICE

COMMUNICATION DATED JULY 2, 2004

This is a response to the Final Rejection dated May 27, 2003, and a response to the Office Communication dated July 2, 2004.

A complete listing of the pending claims begins on page 3 of this response.

Remarks begin on page 8 of this response.

The Office Communication dated July 2, 2004, contains the following statement, "Since the above-mentioned reply appears to be bona fide, the period for response expires from day of the mailing of the final rejection or the mailing of the previous advisory action, whichever is later." There are two possible interpretations of this statement. Under either interpretation, this response is timely.

Interpretation #1 – The period for response to the outstanding Final Rejection expires on the date of mailing of the previous Advisory Action, since that date is later than the date of mailing of the Final Rejection. This interpretation assumes that the use of the phrase “expires from” in the July 2, 2004, Office Communication was a typographical error and the correct phrase should have been “expires on”. The previous Advisory Action was mailed on May 20, 2004. Since the applicant has obtained a total of four months of additional time extensions via the filing of a petition for a two-month extension of time and payment of the required extension fee on March 10, 2004, and the filing of petition for an additional two-month extension of time and payment of the required extension fee on June 9, 2004, these extensions of time have extended the period for response until at least August 20, 2004. As a result, this response is timely filed.

Interpretation #2 - The period for response to the outstanding Final Rejection runs from the date of mailing of the previous Advisory Action since that date is later than the date of mailing of the Final Rejection. This interpretation assumes that the use of the phrase “expires from” in the July 2, 2004 Office Communication was a typographical error and the correct phrase should have been “runs from”. Under this interpretation, the three-month shortened statutory period for response to the Final Rejection would run from the date of mailing of the previous Advisory Action of May 20, 2004, i.e. until August 20, 2004, in which case the present response is timely.

Finally, this Fourth After Final Amendment is being submitted in response to the Office Communication dated July 2, 2004, and is being filed on the day after the Communication dated July 2, 2004, was received. The response should also be considered timely for this reason since this is the first opportunity the applicant has had to respond to the Communication dated July 2, 2004.

This response is made in order to place the application in condition for allowance.

In response to the Final Rejection, please reconsider the rejections therein in light of the amendments and reasoning set forth below.